

07
BILL NO. R-97-11

CONFIRMING RESOLUTION NO. R-45-97

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 107 and 109 west Berry
Street, Fort Wayne, Indiana 46802 (Anthony Wayne
Corporation)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Section 153.02 of the Municipal Code of the City of Fort Wayne, Indiana, of 1993, as amended and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, said project will create five full-time, permanent jobs for a total additional payroll of \$100,000, with the average new annual job salary being \$20,000; and

WHEREAS, the total estimated project cost is \$600,000; and

WHEREAS, recommendations have been received from the Committee on Finance; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 1997.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$9.2453/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$9.2453/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$9.2453/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 7. The benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Department of Economic Development and must be included with the deduction application. For subsequent years, the performance report must be updated within sixty days after the end of each year in which the deduction is applicable.

SECTION 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real property deductions.
- F. The tax savings resulting from the real property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

AFFIDAVIT OF SELLERS

The undersigned, Grantor, of a deed dated June 10, 1997, conveying real estate to Anthony Wayne Corporation, Grantee, hereby warrants and represents and having been duly sworn deposes and says:

1. Grantor has executed a deed conveying real estate located in Allen County in the State of Indiana commonly known as 107 and 109 West Berry Street, Fort Wayne, Indiana, 46802 and legally described as follows:

The North 110 feet of the West 50 feet of Lot Number 105 in the Original Plat to the City of Fort Wayne, and the West 1/2 of the vacated alley adjoining on the East, according to the plat thereof, recorded in Deed Record D, page 169, in the Office of the Recorder of Allen County, Indiana.

Together with an easement over the West 5.1 feet of the South 40 feet of Lot Number 105 in the Original Plat to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record D, page 169, in the Office of the Recorder of Allen County, Indiana, for ingress and egress to and from the alley abutting said Lot Number 105 on the South.

2. Grantor is either an individual over the age of eighteen years, or an entity which has authorized execution of this affidavit by the undersigned. Grantor is not a foreign corporation, foreign partnership, foreign trust, foreign estate, foreign limited liability company, or nonresident alien individual (as those terms are defined in the Internal Revenue Code of 1986, as amended, 26 U.S.C. §1, et seq.). Grantor's U.S. taxpayer identifying number or U.S. employer identification number ("Tax ID Number"), and home address or office address are as stated below.

3. Grantor has furnished Grantee an accompanying commitment for an owner's policy of title insurance and said commitment discloses as of its date the true condition of title to said real estate;

4. At the time of delivery of the deed Grantor has marketable title in fee simple to the real estate and it is free and clear of all charges, liens, encumbrances or leases or every kind or description except those shown in the commitment, easements visible or of record, and those matters affecting the real estate as disclosed in the deed;

5. Except as disclosed in the commitment Grantor has not executed or permitted anyone to execute on Grantor's behalf (a) any deed (except to Grantee), mortgage lien, security agreement, financing statement, or other instrument affecting title to the real estate or any fixtures attached thereto; (b) a contract to sell all or any part of the real estate to any person; (c) an option to purchase all or any part of the real estate enforceable or exercisable now or at any time in the future; or (d) any appeal bond or recognizance is or might become a lien on the real estate, whether Grantor is principal or surety thereon;

6. Except as disclosed in the commitment, Grantor is not a party to any action, suit or other proceeding, whether at law or in equity, in which a judgment or an order has been or could be given or entered in creation of a lien upon the real estate or affecting the conveyance of the real estate to Grantee free and clear of all liens;

7. Since the date Grantor acquired title to the real estate, Grantor has not been or become party to any divorce action or other proceeding for dissolution of marriage; or any bankruptcy proceeding;

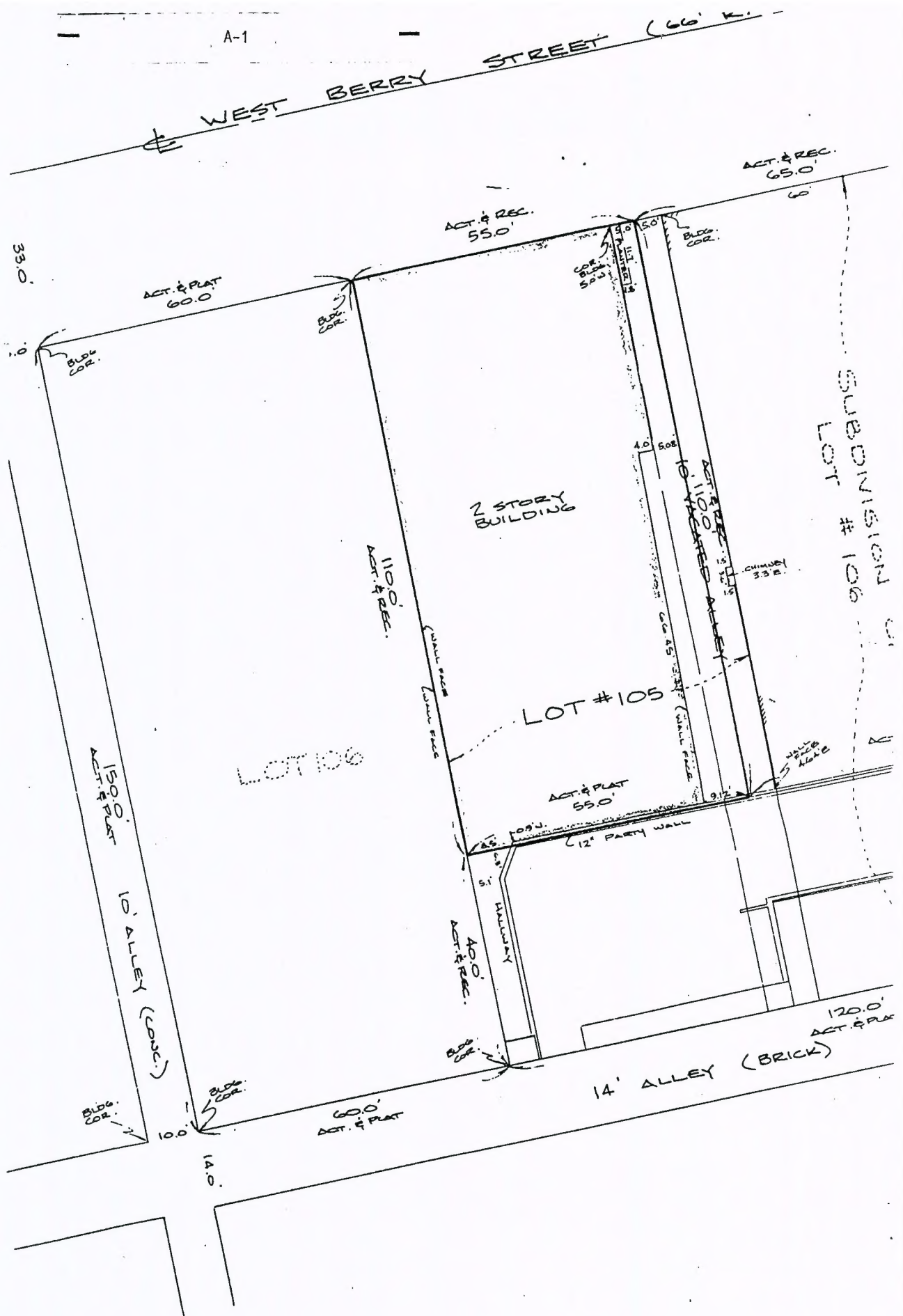
8. Grantor has possession of the real estate and no other person has a right to possession or claims possession of all or any part of the real estate;

9. There are no unpaid bills for labor or material which has been ordered, authorized, or furnished for the real estate or which might operate to create a lien against the real estate;

10. All utility bills, association dues, or other charges, the non-payment of which should result in creation of a lien against the real estate, have been paid; or provision for their payment has been made;

11. Grantor and, to the best of Grantor's knowledge, all predecessors in title have been in open, notorious, peaceable, visible, continuous, exclusive, uninterrupted, hostile, and adverse possession of the real estate under valid claim or color of title to the exclusion of all other persons whomsoever for more than the ten (10) years last past, and have paid all taxes and assessments from time to time

A-1



Read the first time in full and on motion by Crawford,
and duly adopted, read the second time by title and referred to the Committee on
Finance, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday,
the 22nd day of July, 19 97, at 5:30
o'clock P. M., E.S.T.

DATED: 7-8-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Belmidt
and duly adopted, placed on its passage. PASSED
by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|----------|------|-----------|--------|
| TOTAL VOTES | <u>9</u> | | | |
| BENDER | <u>1</u> | | | |
| CRAWFORD | <u>1</u> | | | |
| EDMONDS | <u>1</u> | | | |
| HALL | <u>1</u> | | | |
| HAYHURST | <u>1</u> | | | |
| HENRY | <u>1</u> | | | |
| LUNSEY | <u>1</u> | | | |
| RAVINE | <u>1</u> | | | |
| SCHMIDT | <u>1</u> | | | |

DATED: 7-22-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,

as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. B-45-97
on the 22nd day of July, 19 97

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Helmke
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
23rd day of July, 19 97,
at the hour of 2:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day
of July, 19 97, at the hour of 1:00
o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Confirming Resolution

DEPARTMENT REQUESTING ORDINANCE: Department of Economic Development

SYNOPSIS OF ORDINANCE: This is to confirm the designation of an Economic Revitalization Area for Anthony Wayne Corporation for real property improvements in the amount of \$600,000. Anthony Wayne Corporation will renovate an existing building. A new roof, plumbing, wiring, and facade will be added to the facility.

EFFECT OF PASSAGE: The effect of passage is the creation of five new jobs, and the renovation of a building in an Economic Development Target Area.

EFFECT OF NON-PASSAGE: The effect of non-passage is the potential loss of jobs and the continued deterioration of a downtown facility.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): No expenditures of public funds required.

ASSIGNED TO COMMITTEE (PRESIDENT): John Crawford

BILL NO. R-97-07-11

REPORT OF THE COMMITTEE ON FINANCE

DONALD J. SCHMIDT - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) confirming resolution
designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1
for property commonly known as 107 and 109 West Berry Street,
Fort Wayne, Indiana 46802 (Anthony Wayne Corporation)

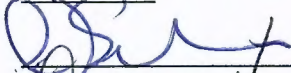
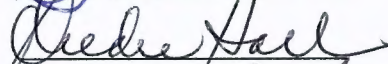
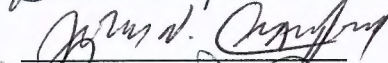
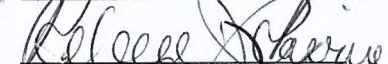


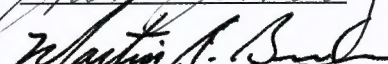
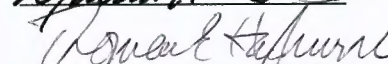

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
~~(ORDINANCE)~~ (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

| | | | |
|---|--|--|--|
|  | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |
|  | | | |

DATED: 7-22-97.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

July 9, 1997

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of July 12, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill Nos. R-97-07-07 & R-97-07-07
Bill Nos. R-97-07-08 & R-97-07-09
Bill Nos. R-97-07-10 & R-07-07-11
"Economic Revitalization Areas"

Please send us 3 copies of each of the above the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL

(RESOLUTIONS NO. R-97-07-10 AND R-97-07-11)

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA, APPROVED A RESOLUTION ON 7/8/97,
DATE
DESIGNATING PROPERTY AT 107 and 109 West Berry Street, Fort Wayne,
Indiana 46802 (Anthony Wayne Corporation)

AN ECONOMIC REVITALIZATION AREA. A DESCRIPTION OF THE AFFECTED
AREA CAN BE INSPECTED IN THE COUNTY ASSESSOR'S OFFICE.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER
THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND
CONFIRMED OR RESCINDED ON Tuesday, July 22, 1997, at 5:30 P.M.,

DATE, TIME & PLACE
City-County Bldg., Common Council Conference Room 128, 1st Floor,
Fort Wayne, Indiana

IF CONFIRMED, SAID DESIGNATING SHALL CONTINUE FOR ONE (1)
YEAR AFTER CONFIRMATION.

ALL INTEREST PERSONS ARE INVITED TO ATTEND AND BE HEARD
AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN
DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND
FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION"
SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219)427-1120, TTY
(219)427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE
MEETING.

SANDRA E. KENNEDY
CITY CLERK

FW COMMON COUNCIL
(Governmental Unit)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES

47 lines, 1 columns wide equals 47 equivalent lines
at .364 cents per line \$ 17.11

Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 18.11

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JULY 12, 19 97 Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 7-12-97, the dates of publication being as follows:

Julie L Smith
Subscribed and sworn to before me this 12th day of JULY, 19 97.

Mary L Schneider
Notary Public
MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
My commission expires: MY COMMISSION EXP JUNE 14, 2001

NOTICE OF PUBLIC HEARING
CITY OF FORT WAYNE
COMMON COUNCIL
(RESOLUTIONS NO. R-97-07-10 AND R-97-07-11)
NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVED A RESOLUTION ON 7-8-97 DESIGNATING PROPERTY AT 107 and 109 West Berry Street, Fort Wayne, Indiana 46802 (Anthony Wayne Corporation)
AN ECONOMIC REVITALIZATION AREA. A DESCRIPTION OF THE AFFECTED AREA CAN BE INSPECTED IN THE COUNTY ASSESSOR'S OFFICE.
COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED OR RESCINDED ON Tuesday, July 22, 1997, at 5:00 P.M.
City-County Bldg., Room 128 Common Council Conference Room, 1st Floor, Fort Wayne, Indiana
IF CONFIRMED, SAID DESIGNATING SHALL CONTINUE FOR ONE (1) YEAR AFTER CONFIRMATION.
ALL INTEREST PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.
"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION SHALL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION, SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.
SANDRA E. KENNEDY
CITY CLERK
#465012

FW COMMON COUNCIL

(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

47 lines, 1 columns wide equals 47 equivalent lines
at .364 cents per line

\$ 17.11

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 18.11

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JULY 12, 19 97Title: Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL

(RESOLUTIONS NO. R-97-07-10 AND R-97-07-11)
NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVED A RESOLUTION ON 7-8-97

DESIGNATING PROPERTY AT 107 and 109 West Berry Street, Fort Wayne, Indiana 46802 (Anthony Wayne Corporation)

AN ECONOMIC REVITALIZATION AREA. A DESCRIPTION OF THE AFFECTED AREA CAN BE INSPECTED IN THE COUNTY ASSESSOR'S OFFICE.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED OR RESCINDED ON Tuesday, July 22, 1997, at 5:00 P.M.

City-County Bldg. Room 128 Common Council Conference Room, 1st Floor, Fort Wayne, Indiana

IF CONFIRMED, SAID DESIGNATING SHALL CONTINUE FOR ONE (1) YEAR AFTER CONFIRMATION.

ALL INTEREST PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATIONS" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK
#465012

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 7-12-97, the dates of publication being as follows:

Subscribed and sworn to before me this 12th day of JULY, 19 97.

Mary L Schneider
Notary Public

MARY L SCHNEIDER

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

MY COMMISSION EXP JUNE 14, 2001